

**STATE OF CONNECTICUT**  
**BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2002-0312-010-023

vs.

Sharon Cook, RN, Lic. No. E59090  
Respondent

**MEMORANDUM OF DECISION**

***Procedural Background***

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated March 28, 2002. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Sharon Cook (hereinafter "respondent") which would subject respondent's registered nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent's continued nursing practice presented a clear and immediate danger to public health and safety. On April 3, 2002, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that respondent's registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing scheduling a hearing for April 17, 2002. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Summary Suspension Order, Notice of Hearing and Statement of Charges were sent to respondent's attorney by certified mail return receipt requested.

The hearing scheduled for April 17, 2002 was continued at respondent's request. The hearing was rescheduled and took place on June 19, 2002, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Resp. Exh. 1-1.

Respondent was present during the hearing and was represented by counsel. Transcript, June 19, 2002, p. 2.

Respondent submitted a written Answer to the Statement of Charges. Resp. Exh. 1-1.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

### ***Findings of Fact***

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number E59090 on August 2, 1996. Respondent was the holder of said license at all times referenced in the Statement of Charges. Respondent was issued licensed practical nurse license number 021809 on June 2, 1986. Respondent's licensed practical nurse license expired on March 31, 1997. Dept. Exh. 1-B
2. Pursuant to a Consent Order dated July 30, 1992, the Board ordered that respondent's licensed practical nurse license be placed on probation for a period of two years. Such disciplinary action was based upon respondent's admitted diversion of Demerol from Lawrence & Memorial Hospital, New London, Connecticut, during 1991. Dept. Exh. 1-C.
3. Pursuant to a Consent Order dated March 4, 1998, the Board ordered that respondent's registered nurse and licensed practical nurse licenses be placed on probation for a period of four years, effective April 1, 1998. Such disciplinary action was based upon respondent's admitted diversion and abuse of Demerol while working at Lawrence & Memorial Hospital, New London, Connecticut, during 1997. Said Order specifically provided that respondent shall submit to random urine screens that shall be negative for the presence of alcohol and drugs. Dept. Exh. 1-A.
4. Urine specimens which respondent submitted for screening on February 14, 2002, and March 1, 2002 tested positive for the presence of Morphine. Dept. Exhs. 1-A12-13, 1-A17-18.
5. Respondent engages in individual therapy for chemical dependency and actively participates in a twelve-step program. Resp. Exhs. 1-2-1, 1-4-1; Transcript, pp. 22-23.

### ***Conclusions of Law and Discussion***

In consideration of the above Findings of Fact, the following conclusions are rendered:

Sharon Cook held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §4-177(a) and (b), and §4-182(c). The hearing was held in

accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The **FIRST COUNT PARAGRAPH 2** of the Statement of Charges alleges that on or about February 14, 2002 and March 1, 2002, respondent abused or utilized to excess Morphine.

The **FIRST COUNT PARAGRAPH 3** of the Statement of Charges alleges that respondent's abuse of Morphine does, and/or may, affect her practice as a registered nurse.

Respondent denies these charges. Resp. Exh. 1-1.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in the First Count Paragraphs 2 and 3 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board finds that the positive urine screen results are sufficient proof that respondent abuse or utilized Morphine. The Board further concludes that respondent's abuse or use of Morphine may affect her practice as a registered nurse. The Board concludes that respondent's conduct as alleged in the First Count constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §20-99(b)(5) and 19a-17.

The **SECOND COUNT, PARAGRAPH 6** of the Statement of Charges alleges that pursuant to a Consent Order dated March 4, 1998, respondent's registered nurse license was placed on probation for a period of four (4) years for diversion and abuse of Demerol.

The **SECOND COUNT, PARAGRAPH 7** of the Statement of Charges alleges that the Consent Order required respondent submit random urine screening and that respondent's urine screens shall be negative for drugs and alcohol.

The **SECOND COUNT, PARAGRAPH 8** of the Statement of Charges alleges that on February 14, 2002 and March 12, 2002, respondent tested positive for Morphine.

The **SECOND COUNT, PARAGRAPH 9** of the Statement of Charges alleges that respondent's conduct of submitting to urine screening which tested positive for Morphine constitutes a violation of the terms of probation set forth in the Consent Order dated March 4, 1998.

Respondent admits the allegations made in Paragraphs 6 and 7. Respondent denies the allegation in Paragraph 8 but admits that on February 14, 2002 and March 12, 2002, respondent's urine screen tests recorded a positive result for Morphine. Respondent neither admits or denies the allegation in Paragraph 9.

Based on its findings, the Board concludes that respondent's conduct as alleged in the Second Count of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct violates the terms of probation as set forth in the Consent Order dated March 4, 1998. Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to *Conn. Gen. Stat. §19a-17*.

### ***Order***

Pursuant to its authority under *Conn. Gen. Stat. §19a-17* and *§20-99*, the Board of Examiners for Nursing hereby orders the following:

1. That the Summary Suspension of respondent's registered nurse license, number E59090, ordered on April 3, 2002, is vacated on the effective date of this Memorandum of Decision.
2. For the First Count of the of the Statement of Charges, respondent's registered nurse license, No. E59090, is placed on probation for a period of one (1) year.
3. For the Second Count of the of the Statement of Charges, respondent's registered nurse license, No. E59090, is placed on probation for a period of one (1) year.

4. If any of the following conditions of probation are not met, respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
  - A. During the period of probation the Board shall pre-approve respondent's employment and/or change of employment within the nursing profession.
  - B. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
  - C. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period.
  - D. The employer reports cited in Paragraph C above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph P below.
  - E. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
  - F. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not an institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing as to receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt. Said notification shall be submitted directly to the Department at the address cited in Paragraph O below.
  - G. At her expense, respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
  - H. Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.

- I. Respondent shall cause monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period.
- J. The therapist reports cited in Paragraph I above shall include documentation of dates of treatment, and an evaluation of respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph O below.
- K. At her expense, respondent shall be responsible for submitting to observed random chain of custody urine screens for alcohol and drugs for the entire probationary period, inclusive of the period of suspension, at a testing facility approved by the Board, after consultation with the Department, as ordered by her therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process. Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of any drug(s) she is taking.
  - (1) There must be at least two (2) such random alcohol/drug screens monthly during the entire probationary period.
  - (2) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.
  - (3) Random alcohol/drug screens must include testing for the following substances:
 

Amphetamines	Methadone
Barbiturates	Methaqualone
Benzodiazepines	Opiates (Metabolites)
Cannabinoids (THC Metabolites)	Phencyclidine (PCP)
Cocaine	Propoxyphene
Meperidine (Demerol)	Ethanol (alcohol)

- (4) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph O below, by respondent's therapist, personal physician or the testing laboratory.
- L. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- M. Respondent is advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine and that the ingestion of mouthwash may produce a positive result indicating the presence of alcohol. For that reason, any food substance containing poppy seeds, and mouthwash should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine and/or alcohol, the ingestion of poppy seeds and/or mouthwash shall not constitute a defense to such positive screen.
- N. The Board must be informed in writing prior to any change of address.
- O. All correspondence and reports are to be addressed to:

**Bonnie Pinkerton, RN, Nurse Consultant**  
**Department of Public Health**  
**Division of Health Systems Regulation**  
410 Capitol Avenue, MS #12HSR  
P. O. Box 340308  
Hartford CT 06134-0308

5. Any deviation from the terms of probation, without prior written approval by the Board, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take subsequent action. The Board shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board).

6. This Memorandum of Decision becomes effective, and the one (1) year probation of respondent's registered nurse license shall commence, on October 1, 2002.

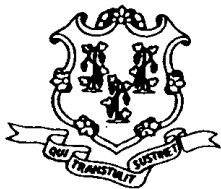
The Board of Examiners for Nursing hereby informs respondent, Sharon Cook, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 18th day of September 2002.

BOARD OF EXAMINERS FOR NURSING

By Pat Cay APN





# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

October 2, 2003

Sharon Cook, RN  
3 Pepperidge Drive  
Quaker Hill, CT 06375

Re: Memorandum of Decision  
Petition No. 2002-0312-010-023  
License No. E59090  
DOB: [REDACTED]

Dear Ms. Cook:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective October 1, 2003.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,

A handwritten signature in cursive script that reads "Bonnie Pinkerton".

Bonnie Pinkerton, RNC  
Division of Health Systems Regulation

cc: J. Filippone  
J. Wojick



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